

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

HELEN D. MARTIN, *Pro Se*

Plaintiff

v.

PACHULSKI, STANG, ZIEHL,
YOUNG & JONES, P.C.,

Defendant

C.A. No.: 06-303 (GMS)

MOTION TO COMPEL

Now comes the Defendant, Pachulski, Stang, Ziehl, Young and Jones, P.C., by and through counsel, pursuant to Fed R.Civ. Pro. 37 (2) which moves this Court for an Order compelling the Plaintiff to appear for a deposition and to respond to discovery including responding to the Mandatory Disclosures required by Fed R.Civ Pro 26 (a).

The basis for this motion is as follows:

1. On May 8, 2006, Plaintiff, Helen Martin filed a pro se complaint against Defendant after receiving a Dismissal and Notice of Right to Sue from the U.S. Equal Employment Opportunity Commission dated February 6, 2006. [Ex. A.]
2. On November 24, 2006, Defendant, through counsel, filed its Answer to the Complaint. [Ex. B.]
3. On November 27, 2006, the parties received notification of the filing as well as a copy of the Court's Scheduling Order. In compliance with the Scheduling Order, Defendant filed its Mandatory Disclosures pursuant to Fed. R. Civ. P. 26(a) on December 6, 2006. [Ex. C] To date, Plaintiff, Helen Martin, has not complied with that Scheduling Order by filing her Mandatory Disclosures although counsel for the Defendant spoke with her and advised her that she needed to file said answers.

4. On January 16, 2007, Defendant filed a Notice of Deposition for Plaintiff to take place on January 31, 2007. [Ex. D.] She was served with that notice.[Ex. E].

5. Plaintiff, Helen Martin, contacted Defendant's attorney on January 25, 2007 to advise that she would not attend the deposition on January 31, 2007.

6. Defendant, in a good faith effort to avoid court action, attempted to confer with the Plaintiff to discuss her failure to respond to the request for discovery from her. On February 23, 2007, Defendant called Plaintiff and left a message for her on her cell phone, the only number that she had provided, that Defendant had Re-Noticed her deposition for March 15, 2007 [Ex. F.] and that we had been advised by our courier that there was no one living at the address that she had provided.

7. On March 1, 2007, Plaintiff called Defendant's attorney to advise of her new address and that she was "98% sure that she will be able to attend the deposition on March 15, 2007."

8. On March 12, 2007, Plaintiff called again and refused to attend the deposition scheduled for March 15, 2007. Plaintiff requested that Defendant schedule her deposition for March 26th or March 30th. Defendant then advised Plaintiff, that Defendant would re-notice, yet again, her deposition for March 30th.

9. On March 16, 2007, Defendant, for the third time, Re-Noticed the deposition of Plaintiff, Helen Martin, for March 30, 2007 [Ex. G.] as she had requested. She was served with that notice [Ex. H.] Plaintiff also noticed her own deposition for March 30, 2007. [Ex.I.]

10. On the day of her deposition on March 30, 2007 at 8:54 a.m., Plaintiff called Defendant's counsel and, again, stated that she would not be attending the deposition and that she had scheduled an appointment to meet and possibly retain an attorney. Plaintiff was advised that Defendant would then file a Motion to compel or dismiss and was told that she also had to respond to the Rule 26 discovery. She was advised that if she had an attorney s(he) could contact

Defendant but that her failure to attend again would be responded to by Defendant. Plaintiff's response was "okey dokey" and she hung up.

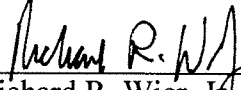
11. Defendant's counsel hereby certifies that Defendant has in good faith conferred or attempted to confer with the Plaintiff in an effort to secure her deposition and discovery without court action.

12. The discovery cut-off is May 29, 2007 and Defendant requests that the Court enter an order requiring Plaintiff to appear for her deposition and to extend that date and dispositive motion dates for the Defendant if further discovery is necessary as a result of her deposition testimony.

WHEREFORE, Defendant moves this Court for an Order compelling Plaintiff to attend on a date certain for her deposition and to pay Defendant's expenses including attorneys' fees if she fails again to provide discovery or to attend and be deposed.

Respectfully submitted,

RICHARD R. WIER, JR., P.A.


Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806
(302)888-3222

A

JS 44 (Rev. 11-04)

CIVIL COVER SHEET

C 6 - 3 0 3

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☒ 1 Incorporated or Principal Place of Business in This State
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input checked="" type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input checked="" type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 449 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 IHA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Remanded or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 1343

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint.

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE 4/24/07 SIGNATURE OF ATTORNEY OF RECORD [Signature]

OR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING FEE _____ JUDGE _____ MAG. JUDGE _____

AO 246 (Rev. 10/03)
DELAWARE (Rev. 4/05)UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Robert D. Hamilton
Plaintiff
V.
Robert D. Hamilton
Defendant(s)

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

CASE NUMBER: 06 - 303

I, Robert D. Hamilton declare that I am the (check appropriate box)
☒ Petitioner/Plaintiff/Movant ☐ Other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915, I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☐ Yes ☒ No (If "No" go to Question 2)

If "YES" state the place of your incarceration _____

Inmate Identification Number (Required): _____

Are you employed at the institution? _____ Do you receive any payment from the institution? _____

Attach a ledger sheet from the institution of your incarceration showing at least the past six months' transactions2. Are you currently employed? ☐ Yes ☒ No

a. If the answer is "YES" state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "NO" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input type="checkbox"/> No
e. Gifts or inheritances	<input type="checkbox"/> Yes	<input type="checkbox"/> No
f. Any other sources	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If the answer to any of the above is "YES" describe each source of money and state the amount received AND what you expect you will continue to receive.

U.S. DISTRICT COURT
DISTRICT OF DELAWARE
MAY -8 PM 3:56

AO 240 Reverse (Rev. 10-03)
DELAWARE (Rev. 4-05)

4. Do you have any cash or checking or savings accounts? ☒ Yes ☐ No

If "Yes" state the total amount \$ 6,000

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property?

☒ Yes ☐ No

If "Yes" describe the property and state its value.

None currently owned or used.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support, OR state *NONE* if applicable.

N/A

I declare under penalty of perjury that the above information is true and correct.

4/24/07
DATE

[Signature]
SIGNATURE OF APPLICANT

NOTE TO PRISONER: A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF DELAWARE

HELEN D. MARTIN,

Plaintiff

CIVIL ACTION NO.

06 - 303

v.

PACHULSKI, STANG, ZEHL,
YOUNG & JONES, P.C.

Defendant.

COMPLAINT

1. Plaintiff is an adult individual residing at 616 West 8th Street, Wilmington, Delaware.

2. Defendant is a professional corporation maintaining offices in the City of Wilmington, Delaware.

3. Jurisdiction of this court is premised upon 28 U.S.C. Section 1343, as this case involves a federal question and a claim of deprivation of civil rights.

4. Venue of this action is proper in the District of Delaware pursuant to 28 U.S.C. Section 1391, as the cause of action arose in Delaware.

5. On or about January 10, 2000, Plaintiff became employed as a Managing Supervisor for the DE office file room.

6. Throughout the duration of Plaintiff's employment, until January 27, 2003, Defendant created a racially hostile work environment and discriminated against Plaintiff because of her race.

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CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2006 MAY -8 PM 4:09

7 As a result of Defendant's conduct, Plaintiff was forced to quit her employment on January 27, 2003, under circumstances amounting to a constructive discharge.

8 The act of Defendant in discriminating against Plaintiff is in violation of Plaintiff's rights under the Constitution and in violation of 42 U.S.C. Section 1983.

9 The conduct of Defendant was also in violation Plaintiff's rights under the State Discrimination Act of the State of Delaware.

10 Plaintiff submitted her charge of discrimination of the Equal Employment Opportunity Commission and the corresponding state agency.

11 Plaintiff has received a "right to sue letter" from the EEOC and this complaint is being filed within ninety (90) days of Plaintiff's receipt of that letter. A copy of the letter is attached hereto.

WHEREFORE, Plaintiff Helen D. Martin, Respectfully requests this Honorable Court enter judgment in her favor, and against Defendant, together with reinstatement, full back pay and retroactive benefits, together with such further relief as deemed appropriate by the Court.


HELEN D. MARTIN
Pro se

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Helen D. Martin
616 West 8th Street
Wilmington, DE 19801

From: Philadelphia District Office - 530
21 South 5th Street
Suite 400
Philadelphia, PA 19106

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

17C-2003-00191

Charles Brown, III,
State & Local Coordinator

(215) 440-2842

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Marie M. Tomasso

Marie M. Tomasso,
District Director

February 6, 2006

(Date Mailed)

Enclosure(s)

cc: PACHULSKI, STANG, ZIEHL, YOUNG &
Jones
919 Market Street
Wilmington, DE 19801

FROM: AMERICAN
COURT REPORTERS

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02** -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

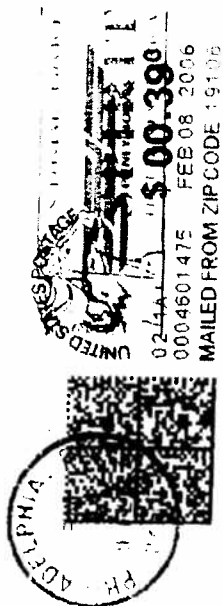
If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

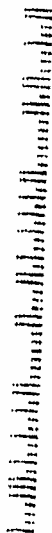
You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Equal Employment Opportunity Commission
PHILADELPHIA DISTRICT OFFICE
21 SOUTH 5TH STREET, SUITE 400
Philadelphia, PA 19106-2515



43401475



Plaintiff
V.
Defendant(s)

CASE NUMBER: 6 - 303

I, _____

declare that I am the (check appropriate box)

☒ Petitioner/Plaintiff/Movant ☐ Other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915, I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☐ Yes ☒ No (If "No" go to Question 2)

If "YES" state the place of your incarceration

Inmate Identification Number (Required):

Are you employed at the institution? _____ Do you receive any payment from the institution? _____

Attach a ledger sheet from the institution of your incarceration showing at least the past six months' transactions

2. Are you currently employed? ☐ Yes ☒ No

a. If the answer is "YES" state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "NO" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- | | | | |
|----|--|------------------------------|-----------------------------|
| a. | Business, profession or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. | Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. | Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. | Disability or workers compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. | Gifts or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. | Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of the above is "YES" describe each source of money and state the amount received AND what you expect you will continue to receive.

AO 240 Reverse (Rev. 10/03)
DELAWARE (Rev. 4-05)

4. Do you have any cash or checking or savings accounts? ☒ Yes ☐ No

If "Yes" state the total amount \$ _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property?

☒ Yes ☐ No

If "Yes" describe the property and state its value.

None

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support, *OR* state *NONE* if applicable.

N/A

I declare under penalty of perjury that the above information is true and correct.

DATE

SIGNATURE OF APPLICANT

NOTE TO PRISONER: A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

B

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

HELEN D. MARTIN

Plaintiff,

-against-

C.A. No.: 06-303 (GMS)

PACHULSKI, STANG, ZIEHL,
YOUNG & JONES, P.C.,

Defendant,

-----X

AFFIDAVIT OF SERVICE

I, Ronald Lennon, of the state of Delaware, County of New Castle, being duly sworn, says that on the 27th day of November, 2006, at 7:12 p.m., I personally served a copy of an ANSWER on the plaintiff **HELEN D. MARTIN**, at the address of 616 W. 8th Street, Wilmington, DE 19801.

Name of individual personally served: Helen D. Martin.

Ronald Lennon

Subscribed and sworn before me
this 27th day of November, 2006.

Larry M. Steele
Notary Public

My commission expires: CAROLAN AREA
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires May 24, 2007

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

HELEN D. MARTIN, Pro se
Plaintiff

v.

PACHULSKI, STANG, ZIEHL,
YOUNG & JONES, P.C.,
Defendant

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C.A. No.: 06-303 (GMS)

ANSWER

NOW COMES, Pachulski, Stang, Zeihl, Young & Jones, P.C., Defendant in the above-captioned matter, which Answers the Complaint as follows:

1. Admitted that Plaintiff is an adult individual. Defendant is without sufficient information or belief to admit or deny her residence.
2. Admitted.
3. This paragraph states a legal conclusion to which a responsive pleading is not required.
4. This paragraph states a legal conclusion to which a responsive pleading is not required.
5. Admitted that Plaintiff began employment on January 10, 2000. Admitted that she was a file room supervisor.
6. This paragraph fails to allege facts or state a claim for relief. Denied that Plaintiff was ever subjected to a hostile work environment or discriminated against because of her race.
7. This paragraph fails to allege facts or state a claim for relief. Admitted that Plaintiff resigned her employment on January 13, 2003 effective January 27, 2003. Denied that Plaintiff

was forced to quit her employment as a result of Defendant's conduct or under circumstances amounting to a constructive discharge.

8. Denied.

9. Denied.

10. Admitted that Plaintiff filed administrative claims with the Delaware Department of Labor and the Equal Opportunity Commission.

11. Defendant is without sufficient information or belief to affirm or deny when the Plaintiff received notice that her charge would be dismissed by the EEOC. Denied that the complaint is timely filed.

AFFIRMATIVE DEFENSES

FIRST: The Complaint fails to state a claim(s) upon which relief may be granted.

SECOND: The complaint was untimely and barred by the applicable statutes of limitations.

THIRD: Plaintiff failed to exhaust her administrative remedies and/or to comply with conditions precedent to filing suit.

FOURTH: Plaintiff failed to mitigate her damages.

FIFTH: Defendant is not a state actor or acting under color of state law within the meaning of 42 USC § 1983.

SIXTH: Plaintiff's complaint is frivolous, without any basis in fact, in violation of F.R.C. Pro. 11 and otherwise entitling Defendant to recover its costs and expenses, including its attorneys' fees.

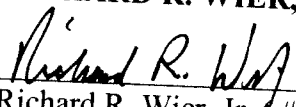
SEVENTH: Plaintiff has unclean hands.

EIGHTH: The Court lacks jurisdiction over state law claims, if any, and or should not exercise jurisdiction over any such claims.

WHEREFORE, Defendant prays that the Complaint be dismissed and that judgment be entered in its favor together with its costs, expenses, attorneys' fees and such other relief as may be just and equitable under the circumstances.

RESPECTFULLY SUBMITTED,

RICHARD R. WIER, JR., P.A.


Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806
Rwier@wierlaw.com
302.888.3222
Attorneys for Defendant

DATED: November 24, 2006

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

HELEN D. MARTIN, Pro Se
Plaintiff

v.

PACHULSKI, STANG, ZIEHL,
YOUNG & JONES, P.C.,
Defendant

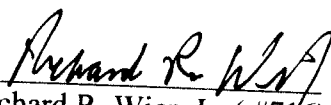
C.A. No.: 06-303 (GMS)

CERTIFICATE OF SERVICE

I certify that on this 24th day of November 2006, I electronically filed the attached document with the Clerk using CM/ECF and two copies of the attached Answer have been served BY FIRST CLASS MAIL and BY HAND on:

Helen D. Martin, pro se
616 W. 8th Street
Wilmington, DE 19801

RICHARD R. WIER, JR., P.A.


Richard R. Wier, Jr. (#776)
Two Mill Road, Suite 200
Wilmington, DE 19806
rwier@wierlaw.com
302.888.3222
Attorney for Defendant

DATED: November 24, 2006

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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

HELEN D. MARTIN, *Pro Se*
Plaintiff

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C.A. No.: 06-303 (GMS)

PACHULSKI, STANG, ZIEHL,
YOUNG & JONES, P.C.,
Defendant

MANDATORY DISCLOSURES BY DEFENDANT
PURSUANT TO FED. R. CIV. P. 26(a)

NOW COMES Defendant, by and through counsel, pursuant to Fed. R. Civ. P. 26(a), which reserves the right to supplement this information and states:

1. A. Individuals likely to have discoverable information that may be used to support Defendant's claims or defenses, unless solely for impeachment. In addition to the defendant:

Answer

Karen Sheeler c/o PACHULSKI, STANG, ZIEHL, YOUNG & JONES, P.C.

Donna J. Carr c/o PACHULSKI, STANG, ZIEHL, YOUNG & JONES, P.C.

Laura Davis Jones, Esquire c/o PACHULSKI, STANG, ZIEHL, YOUNG & JONES

-
- B. A description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of Defendant and that Defendant may use to support his claims or defenses, unless solely for impeachment.

Answer

No cause finding of DDOL

Payroll and personnel records of Plaintiff.

Salary history and records of employees establishing no discrimination.

Employee Handbook and Acknowledgment Form signed by Plaintiff.

C. A computation of damages claimed.

Answer

Not applicable since Plaintiff is not entitled to damages.

D. Any insurance agreement which may be available to satisfy part or all of a judgment which may be entered in the action.

Answer

Objected to as not likely to lead to discovery of admissible evidence since existence of any insurance is not relevant until a judgement is obtained.

2. A. The disclosure of any person who may be used at trial to present evidence.

Answer

Objected to as premature and work product. Trial witnesses will be disclosed in accordance with any Pretrial Order.

Respectfully submitted,
RICHARD R. WIER, JR., P.A.

/s/ Richard R. Wier, Jr.
Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806
(302)888-3222

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

HELEN D. MARTIN, Pro Se
Plaintiff

v.

PACHULSKI, STANG, ZIEHL,
YOUNG & JONES, P.C.,
Defendant

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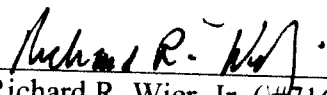
C.A. No.: 06-303 (GMS)

CERTIFICATE OF SERVICE

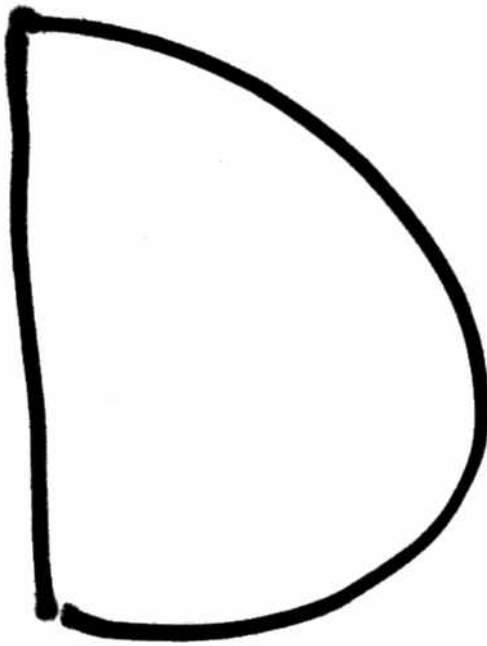
I certify that on this 6th day of December 2006, I electronically filed the attached document with the Clerk using CM/ECF and two copies of the attached document have been served BY FIRST CLASS MAIL on:

Helen D. Martin, pro se
616 W. 8th Street
Wilmington, DE 19801

RICHARD R. WIER, JR., P.A.


Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806
rwier@wierlaw.com
302.888.3222
Attorney for Defendant

DATED: December 6, 2006



IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

HELEN D. MARTIN, *Pro Se*

Plaintiff,

v.

PACHULSKI, STANG, ZIEHL,
YOUNG and JONES, P.C.,

Defendant.

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:
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:
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C.A. No.: 06-303 (GMS)

NOTICE OF DEPOSITION

To: Helen D. Martin, *pro se*
616 West 8th Street
Wilmington, DE 19801

PLEASE TAKE NOTICE that Defendants will take the deposition of Plaintiff Helen D. Martin on January 31, 2007, beginning at 10 a.m., before a notary public or other person authorized to administer oaths. The deposition will take place at the Law Offices of Richard R. Wier, Jr., Two Mill Road, Suite 200, Wilmington, Delaware 19806 and will be recorded stenographically.

RICHARD R. WIER, JR., P.A.

/s/ Richard R. Wier, Jr.
Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806
(302)888-3222

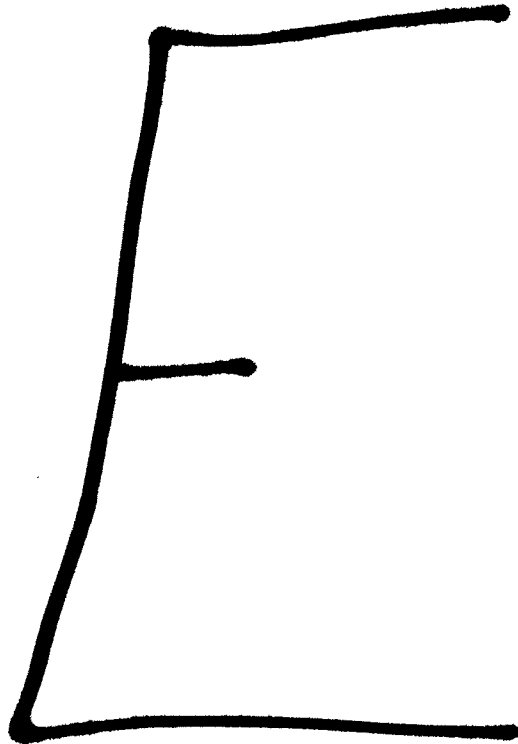
CERTIFICATE OF SERVICE

I certify that on this 16th day of January 2007 that I caused a true and correct copy of the attached Notice of Deposition to be served BY FIRST CLASS MAIL and BY HAND on:

Helen D. Martin, *pro se*
616 West 8th Street
Wilmington, DE 19801

RICHARD R. WIER, JR., P.A.

/s/ Richard R. Wier, Jr.
Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806
(302)888-3222



United States District Court

DISTRICT OF DELAWARE

HELEN D. MARTIN, P.D. Sc

V.

PACHULSKI, STANG, ZIEHL,
YOUNG and JONES, P.C.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 06-303 (GMS)

TO: Helen D. Martin
616 West 8th Street
Wilmington, DE 19801

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Richard R. Wier Jr., P.A.
Two Mill Road - Suite 200
Wilmington, DE 19806

DATE AND TIME

Wednesday, January 31, 2007
@ 10:00 a.m.

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Richard R. Wier Jr.
Richard R. Wier Jr.
Two Mill Road - Suite 200, Wilmington, DE 19806 (302) 883-3222

1/15/07

PROOF OF SERVICE

DATE

PLACE

SERVED

1/29/07

616 W. 8TH STREET WILMINGTON, DE

SERVED ON (PRINT NAME)

MANNER OF SERVICE

HELEN MARTIN

ACCEPTED BY NON-EST NOT AT

SERVED BY (PRINT NAME)

TITLE

DENORRIS BRITT

PROCESS SERVER

DECLARATION OF SERVER

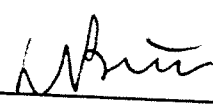
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

1/29/07

DATE

SIGNATURE OF SERVER


BRANDYWINE PROCESS SERVERS, LTD.
P.O. BOX 1360
WILMINGTON, DE 19899-1360
302-475-2600

Rule 45, Federal Rules of Civil Procedure, Parts C & D-

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials; or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(h) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that,

subject to the provisions of clause (c)(3)(B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

HELEN D. MARTIN, <i>Pro Se</i>	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No.: 06-303 (GMS)
	:	
PACHULSKI, STANG, ZIEHL,	:	
YOUNG and JONES, P.C.,	:	
	:	
Defendant.	:	

RE-NOTICE OF DEPOSITION

To: Helen D. Martin, *pro se*
616 West 8th Street
Wilmington, DE 19801

PLEASE TAKE NOTICE that Defendants will take the deposition of Plaintiff Helen D. Martin on March 15, 2007, beginning at 10 a.m., before a notary public or other person authorized to administer oaths. The deposition will take place at the Law Offices of Richard R. Wier, Jr., Two Mill Road, Suite 200, Wilmington, Delaware 19806 and will be recorded stenographically.

RICHARD R. WIER, JR., P.A.

/s/ Richard R. Wier, Jr.
Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806
(302)888-3222

CERTIFICATE OF SERVICE

I certify that on this 19th day of February 2007 that I caused a true and correct copy of the attached Notice of Deposition to be served BY FIRST CLASS MAIL and BY HAND on:

Helen D. Martin, *pro se*
616 West 8th Street
Wilmington, DE 19801

RICHARD R. WIER, JR., P.A.

/s/ Richard R. Wier, Jr.
Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806
(302)888-3222

G

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

HELEN D. MARTIN, <i>Pro Se</i>	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No.: 06-303 (GMS)
	:	
PACHULSKI, STANG, ZIEHL,	:	
YOUNG and JONES, P.C.,	:	
	:	
Defendant.	:	

RE-NOTICE OF DEPOSITION

To: Helen D. Martin, *pro se*
3 E. 24th Street
Wilmington, DE 19802

PLEASE TAKE NOTICE that Defendants will take the deposition of Plaintiff Helen D. Martin on March 30, 2007, beginning at 10 a.m., before a notary public or other person authorized to administer oaths. The deposition will take place at the Law Offices of Richard R. Wier, Jr., Two Mill Road, Suite 200, Wilmington, Delaware 19806 and will be recorded stenographically.

RICHARD R. WIER, JR., P.A.

/s/ Richard R. Wier, Jr.
Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806
(302)888-3222

CERTIFICATE OF SERVICE

I certify that on this 16th day of March 2007 that I caused a true and correct copy of the attached Notice of Deposition to be served BY FIRST CLASS MAIL and BY HAND on:

Helen D. Martin, *pro se*
3 E. 24th Street
Wilmington, DE 19802

RICHARD R. WIER, JR., P.A.

/s/ Richard R. Wier, Jr.
Richard R. Wier, Jr. (#716)
Two Mill Road, Suite 200
Wilmington, DE 19806
(302)888-3222

H

Issued by the
UNITED STATES DISTRICT COURT

HELEN D. MARTIN, *Pro Se* DISTRICT OF _____

V.

SUBPOENA IN A CIVIL CASE

PACHULSKI, STANG, ZIEHL,
YOUNG and JONES, P.C.,

CASE NUMBER: 06-303 (GMS)

TO: Helen D. Martin
3 E. 24th Street
Wilmington, DE 19802

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Richard R. Wier, Jr., P.A.
Two Mill Road - Suite 200
Wilmington, DE 19802

DATE AND TIME

March 30, 2007 @ 10:00am

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Any documents relating, directly or indirectly, to your claim; any documents showing damages, work, or psychological/medical issues; any documents you rely upon to establish your claim.

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Richard R. Wier, Jr.
Two Mill Road - Suite 200
Wilmington, DE 19806 (302) 888-3222

3/16/07

PROOF OF SERVICE

SERVED

DATE

PLACE

3/19/07

3 E 24TH STREET
WILM. DE

SERVED ON (Print Name)

MANNER OF SERVICE

HELEN MARTIN

ACCEPTED BY

HELEN MARTIN

SERVED BY (Print Name)

TITLE

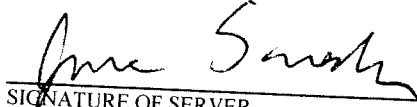
JAVIER SANCHEZ

Private Process Server

DECLARATION OF SERVER

I declare under penalty of perjury under the law of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct.

Executed On: 3/19/07


SIGNATURE OF SERVER
BRANDYWINE PROCESS SERVERS, LTD.
P. O. BOX 1360
WILMINGTON, DE 19899-1360
(302) 475 - 2600

Superior Court Civil Rule 45, Parts C, D & E*

(c) Protection of Persons subject to Subpoenas

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing under burden or expense on a person subject to that subpoena. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the Court shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iii) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the Court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(e) Contempt.

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed contempt of court.

I

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE STATE OF DELAWARE

HELEN D. MARTIN, Pro Se

Plaintiff

v.

PACHULSKI, STANG, ZEIDL,
YOUNG & JONES, P.C.

Defendant.

C. A. No.: 06-303 (GMS)

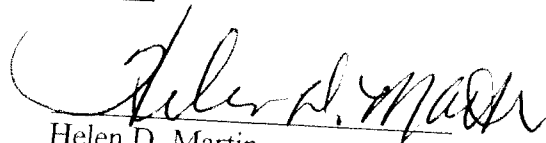
NOTICE OF DEPOSITION

To: The Honorable Gregory M. Sleet
U.S. District Court
District of Delaware
844 King Street, 6th Floor
Wilmington, DE 19801

Richard R. Wier, Jr., Esquire
Richard R. Wier, Jr., P.A.
Two Mill Road, Suite 200
Wilmington, DE 19806

PLEASE TAKE NOTICE that the Plaintiff have scheduled her deposition for **March 30, 2007 at 10:00 a.m.** at the Defendants' offices locate at Richard R. Wier, Jr., Esquire, Richard R. Wier, Jr., P.A., Two Mill Road, Suite 200, Wilmington, DE 19806.

HELEN D. MARTIN
Pro SE



Helen D. Martin
3 E. 24th Street
Wilmington, DE 19802
(302) 888-0236

DATED: March 15, 2007

CERTIFICATE OF SERVICE

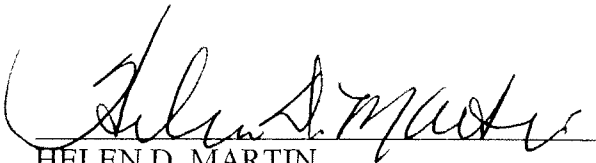
I, HELEN D. MARTIN certify that on this 15th, day of March 2007 I caused an original of the **Notice of Deposition** to be served via HAND DELIVERY and FIRST CLASS MAIL on:

HAND DELIVERY

The Honorable Gregory M. Sleet
U.S. District Court
District of Delaware
844 King Street, 6th Floor
Wilmington, DE 19801

FIRST CLASS MAIL

Richard R. Wier, Jr., Esquire
Richard R. Wier, Jr., P.A.
Two Mill Road, Suite 200
Wilmington, DE 19806
Attorney for Defendant


HELEN D. MARTIN
Pro Se